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8

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
11

12 ASSOCIATION OF IRRITATED
13 RESIDENTS, SAN JOAQUIN
14 RAPTOR/WILDLIFE RESCUE
15 CENTER, CENTRAL VALLEY
16 SAFE ENVIRONMENT
NETWORK, PROTECT OUR
WATER,

17 Plaintiffs,
18

19 v.

20 CERTAINTEED LLC,
21

22 Defendant.
23
24
25
26
27
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Case No. 1:20-cv-01064-NONE-SKO

**FURTHER JOINT STIPULATION
AND ORDER TO CONTINUE
DISCOVERY DEADLINES AND
OTHER DEADLINES**

(Doc. 22)

Complaint Filed: July 31, 2020

1 WHEREAS, Plaintiffs Association of Irrigated Residents, San Joaquin
2 Raptor/Wildlife Rescue Center, Central Valley Safe Environment Network, and
3 Protect Our Water (“Plaintiffs”), and Defendant CertainTeed LLC (“Defendant”)
4 (collectively, the “Parties”), by and through their respective counsel, hereby stipulate
5 and agree to continue Discovery Deadlines, Non-Dispositive Motion Deadlines,
6 Dispositive Motion Deadlines, and the Date of the Pre-Trial Conference as provided
7 herein.

8 WHEREAS, on July 27, 2021, this Court issued a Scheduling Order (Dkt. 17)
9 modifying discovery deadlines and other deadlines as follows:

10 a. Discovery Deadlines

11 i. Non-Expert Discovery: November 18, 2021

12 ii. Expert Disclosures: February 4, 2022

13 iii. Rebuttal Expert Disclosures: March 4, 2022

14 iv. Expert Discovery: April 14, 2022

15 b. Non-Dispositive Motion Deadlines

16 i. Filing: May 26, 2022

17 ii. Hearing: June 28, 2022

18 c. Dispositive Motion Filing Deadline:

19 i. Filing: May 26, 2022

20 d. Deadline to Propose Settlement Conference Dates:

21 i. August 6, 2021

22 e. Pre-Trial Conference:

23 i. September 26, 2022, at 8:15 a.m.

24 WHEREAS, on October 8, 2021, this Court issued an Order setting the
25 Settlement Conference on February 3, 2022 (Dkt. 21);

26 WHEREAS, the Parties are engaged in diligent and good-faith settlement
27 discussions and have made significant progress in settling this matter, such that the
28 Parties foresee settlement taking place far before the February 3, 2022 Settlement

1 Conference before the Court;

2 WHEREAS, the Parties attempted to secure an earlier Settlement Conference
3 date with this Court, anticipating that settlement in this matter is likely in the near
4 term, but the earliest available date on the Court's calendar was February 3, 2022;

5 WHEREAS, this Further Joint Stipulation to Continue Discovery Deadlines and
6 Other Deadlines is only the Parties' second request to extend such deadlines;

7 WHEREAS, the Parties agree that they will not be prejudiced by this short
8 extension of deadlines;

9 WHEREAS, no trial date has been set in this matter;

10 WHEREAS, a Further Continuance of Discovery Deadlines and Other
11 Deadlines will allow the Parties' ongoing settlement discussions to proceed without
12 additional discovery costs.

13 NOW THEREFORE the Parties hereby stipulate, subject to the Court's
14 approval, as follows:

- 15 1. In order to allow more time for the Parties to continue settlement discussions, to
16 complete discovery, and to save financial and judicial resources, the Parties
17 hereby request the Court's approval for a 90-day further continuance of the
18 Parties' Discovery Deadlines for each of the deadlines for Non-Expert
19 Discovery, Expert Disclosures, Rebuttal Expert Disclosures, and Expert
20 Discovery, such that the Discovery Deadlines and Other Deadlines would be
21 extended as follows:

22 a. Discovery Deadlines

23 i. Non-Expert Discovery: March 18, 2022

24 ii. Expert Disclosures: May 2, 2022

25 iii. Rebuttal Expert Disclosures: June 3, 2022

26 iv. Expert Discovery: July 8, 2022

27 b. Non-Dispositive Motion Deadlines

28 i. Filing: August 22, 2022

ii. Hearing: September 28, 2022

c. Dispositive Motion Filing Deadline:

i. August 22, 2022

d. Pre-Trial Conference:

i. December 19, 2022, at 8:15 a.m., or any such date the Court deems appropriate

2. There is a good cause for entry of this Joint Further Stipulation to Continue Discovery Deadlines and Other Deadlines.

3. The Parties do not seek a continuance of the February 3, 2022 Settlement Conference (Dkt. 21).

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: October 20, 2021

PILLSBURY WINTHROP SHAW
PITTMAN LLP
MARK E. ELLIOTT
MICHAEL S. MCDONOUGH

By: /s/ Mark E. Elliott
Mark E. Elliott
Attorneys for Defendant
CERTAINTEED LLC

Dated: October 20, 2021

AQUA TERRA AERIS LAW GROUP

By: /s/ Erica A. Maharg
Erica A. Maharg
Attorneys for Plaintiffs
ASSOCIATION OF IRRITATED
RESIDENTS, SAN JOAQUIN
RAPTOR/WILDLIFE RESCUE
CENTER, CENTRAL VALLEY
SAFE ENVIRONMENT
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ORDER

Pursuant to the parties' above stipulation (Doc. 22), and for good cause shown, IT IS HEREBY ORDERED that the Scheduling Order (Docs. 12, 17) is MODIFIED as follows:

Event	Prior Date	Continued Date
Non-Expert Discovery	November 18, 2021	March 18, 2022
Expert Disclosures	February 4, 2022	May 2, 2022
Rebuttal Expert Disclosures	March 4, 2022	June 3, 2022
Expert Discovery	April 14, 2022	July 8, 2022
Non-Dispositive Motion Filing	May 26, 2022	August 22, 2022
Non-Dispositive Motion Hearing	June 28, 2022	September 28, 2022
Dispositive Motion Filing	May 26, 2022	August 22, 2022
Pretrial Conference	September 26, 2022	January 4, 2023, at 8:15 a.m.

The Settlement Conference, currently set for February 3, 2022 (*see* Doc. 20), and all associated dates and deadlines shall remain as set.

IT IS SO ORDERED.

Dated: **October 21, 2021**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE